

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MR. HENRY A. WHITFIELD,)	2:10-CV-00099-ECR-PAL
)	
Plaintiff,)	
)	MINUTES OF THE COURT
vs.)	
)	DATE: January 31, 2011
PICK UP STIX, INC., a California)	
corporation, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: _____ EDWARD C. REED, JR. _____ U. S. DISTRICT JUDGE

Deputy Clerk: _____ COLLEEN LARSEN _____ Reporter: _____ NONE APPEARING

Counsel for Plaintiff(s) _____ NONE APPEARING

Counsel for Defendant(s) _____ NONE APPEARING

MINUTE ORDER IN CHAMBERS

IT IS HEREBY ORDERED that Defendants' Motion (#35) to Dismiss Plaintiff's First Amended Complaint (#34) is **GRANTED**.

Plaintiff has not sufficiently shown that the applicable statute of limitations should be equitably tolled. Plaintiff does not contend that the Equal Employment Opportunity Commission and the Nevada Equal Rights Commission mislead him as to when he could file his state tort law claims. As such, the statute of limitations will not be tolled and Plaintiff's claims for intentional and negligible infliction of emotional distress are barred as a matter of law.

The Clerk shall enter judgment accordingly.

LANCE S. WILSON, CLERK

By _____ /s/ _____
Deputy Clerk